

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

KEVIN LINDBERG,

Civil No. 20-853 (JRT/KMM)

Plaintiff,

v.

**ORDER ON REPORT
AND RECOMMENDATION**

MAYO CLINIC HEALTH SYSTEM, et al,

Defendants.

Kevin Lindberg, 100 Cedar Street, Apt. 205, Mankato, MN 56001, *pro se* plaintiff.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Kate Menendez, dated April 15, 2020. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IS HEREBY ORDERED THAT:

1. This matter is **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B), as follows:
 - a. The claim for relief of plaintiff Kevin Lindberg arising under 38 U.S.C. § 7316 is **DISMISSED WITH PREJUDICE**.
 - b. All other claims are **DISMISSED WITHOUT PREJUDICE**.

2. Mr. Lindberg's application to proceed in forma pauperis [ECF No. 2] is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 19, 2020
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court